IN THE UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF NORTH CAROLINA CHARLOTTE DIVISION

KENNETH D. BELL, in his capacity as court-appointed Receiver for Rex Venture Group, LLC d/b/a ZeekRewards.com, Plaintiff,))))
vs.	Civil Action No. 3:14-cv-91
TODD DISNER, in his individual capacity and in his capacity as trustee for Kestrel Spendthrift Trust, et al.))))
Defendants.)))

RECEIVER'S RESPONSE TO "JURISDICTIONAL CHALLENGE"

On May 16, 2017 Ahmed Drake and Lamel Mitchell filed with the Court nearly identical documents entitled "Jurisdictional Challenge with Affidavit," stating that the documents were a "Notice, not a motion" and addressing the documents to "STATE OF NORTH CAROLINA." On June 5, 2017 Mr. Drake and Mr. Mitchell refiled these documents along with identical additional documents entitled Notice of Default and Opportunity to Cure. In summary (and putting aside the procedural issues with the documents), both Drake and Mitchell are members of the Net Winner Class in this action and by their "Jurisdictional Challenge" have raised the issues of Subject Matter Jurisdiction and the Receiver's standing to pursue the Receiver's fraudulent transfer

claims against them. The "Notice of Default" erroneously claims that the Receiver has somehow "defaulted" and accepted Drake and Mitchell's jurisdictional claims by choosing not to respond to the "Notice" – to which no response was required.

In an effort to conserve both the Receiver's resources and the Court's time, the Receiver's response to this "Jurisdictional Challenge" will be very brief. This Court plainly has subject matter jurisdiction over the Receiver's fraudulent transfer action against the net winners in the ZeekRewards Ponzi scheme. This issue has already been the subject of a Motion to Dismiss that was denied by the Court, and the Court specifically authorized this litigation. See Order dated December 9, 2014 (Doc. No. 90). Further, the Receiver has standing to pursue the claims in this action, again by specific authority and direction by the Court. See, e.g., Agreed Order (Doc. No. 4).

Accordingly, Drake and Mitchell's "Jurisdictional Challenge" should be rejected to the extent the Court determines that it is even necessary or appropriate to respond to their Notice to the Court

Dated: June 6, 2017 Respectfully submitted,

/s/ Irving M. Brenner

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Attorneys for Plaintiff

CERTIFICATE OF SERVICE

I hereby certify that the foregoing was served upon counsel of record with the Clerk of the court using the CM/ECF system. Further, copies of this document have been sent by U.S. Mail to the following:

Lamel Mitchell 114-80 180th Street Jamaica, NY 11434

Ahmed Drake 114-80 180th Street Jamaica, NY 11434

This the 6th day of June, 2017.

/s/ Irving M. Brenner

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